

SHER TREMONTE LLP

April 1, 2025

VIA ECF

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Marcus Ricketts, et al.*,
Case No. 22-CR-106 (LDH)

Dear Judge DeArcy Hall:

I represent Jonathan Goulbourne. I write in response to the Proposed Findings of Fact filed by the Federal Bureau of Prisons, Bruce Bialor, M.D., Marilyn Garcia, Blake Glucksnis, and Elizabeth Lynch (“BOP Proposed Findings”). ECF No. 430. I also write in response to a letter filed after the BOP Proposed Findings by Alina Habba, U.S. Attorney for the District of New Jersey, on behalf of the Federal Bureau of Prisons, which seeks to introduce information that the letter contends is “pertinent but not part of the evidentiary record.” ECF No. 433, at 1 (the “Government’s Letter”). The Court should reject these belated attempts to supplement the record.

First, the BOP Proposed Findings includes references to documents that were not introduced into evidence at the January 13, 2025 hearing. *See id.* ¶ 14, 47 & n.4. No party at the hearing requested to keep the record open in order to introduce additional exhibits after the hearing adjourned. While Mr. Goulbourne has certainly had these documents in his possession (indeed, he produced them to counsel for the BOP witnesses), he was given no notice of the other parties’ plan to introduce them—even though the parties had *eight months* between the Court’s order to show cause and the hearing, and an additional *two-and-a-half months* between the hearing and today’s deadline for filing the Proposed Findings. And, of course, none of the BOP witnesses were aware of these documents when they were responding to defense counsel’s concerns about Mr. Goulbourne’s medical care. Accordingly, the Court should disregard these irrelevant documents referenced in the BOP Proposed Findings, as well as any factual assertions based on them.

Second, the Government’s Letter contains unsworn assertions that the MDC has instituted a “practice” by the pharmacy department “of reviewing the list of any new commits to the SHU each day” and “process[ing] a fresh set of [the] new commit’s self carry medication for distribution to the new commit in the SHU.” ECF No. 433, at 1.

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Not only is there no testimony in the record regarding this practice, the government did not provide any documentation of such practice with its letter because the BOP is still “in the process of codifying this practice.” *Id.* In addition, the Government’s Letter claims that the BOP has created an “Urgent Action Team” to address issues at the MDC and provides a link to a “Fact Sheet” on the “positive changes achieved at MDC by the Urgent Action Team.” *Id.* at 2. This link leads to a “404 Error – Page Not Found” web page. In any event, whatever commendable results the Urgent Action Team has achieved, they are not part of the record. The Court should therefore disregard the Government’s Letter.

Respectfully submitted,

/s/ Noam Biale
Noam Biale

Attorney for Jonathan Goulbourne

cc: All counsel (via ECF)